



CV 02-1066 #1

FILED ENTERED  
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AT SEATTLE  
CLERK U S DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
BY DEPUTY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DONALD D BRINDLE,,

Plaintiff,

v

WARDS COVE PACKING CO., INC ,

Defendant

Civil No. **C02-10662**

NOTICE OF REMOVAL

TO: The Honorable Judges of the United States District Court  
for the Western District of Washington at Seattle

Defendant Wards Cove Packing Co., Inc. ("Wards Cove") by and through its  
attorneys, Miller Nash LLP, respectfully states as follows

1 Defendant hereby exercises its right under 28 U.S.C. §§ 1441 *et seq* to  
remove this action from the Superior Court of Washington for King County, in which the case is  
now pending as Donald D Brindle v Wards Cove Packing Co., Inc., Cause No 02-2-12078-  
4SEA

2 This is a civil action in which the plaintiff Donald D Brindle asserts claims  
against Wards Cove for violations of the Age Discrimination in Employment Act ("ADEA"), 29

NOTICE OF REMOVAL - 1

ORIGINAL

1 U.S.C. §§ 621 *et seq.*, and the Americans With Disabilities Act ("ADA"), 42 U.S.C. §§ 12101  
 2 *et seq.* Accordingly, this case arises under the laws of the United States.

3  
 4 3 Under 28 U.S.C. § 1331, this court has original jurisdiction over the subject  
 5 matter of this cause of action because it is a civil action arising under the laws of the United  
 6 States

7 4. Wards Cove removes this action to this court pursuant to 28 U.S.C. § 1441.  
 8 This court has "original jurisdiction founded on a claim of right arising under the Constitution,  
 9 treaties or laws of the United States[.]" 28 U.S.C. § 1441(b) Defendant, by exercising its right  
 10 to remove this action, does not waive any of its objections or defenses.

11 5 Plaintiff's complaint was filed in state court on April 17, 2002 and was served  
 12 on Wards Cove on April 23, 2002 In accordance with the requirements of 28 U.S.C. § 1446,  
 13 this Notice of Removal is filed within thirty (30) days of the receipt of the complaint.  
 14

15 6 Attached hereto as Exhibit A are true and correct copies of the summons and  
 16 complaint, scheduling order, case assignment designation and case information cover sheet, and  
 17 defendant's notice of appearance in the state court proceedings. Pursuant to CR 101(b), Local  
 18 Rules W.D. WA, Wards Cove will file a verified copy of the state court records within ten (10)  
 19 days

20 7. Venue is proper in this district pursuant to 28 U.S.C. § 1391 because  
 21 plaintiff's claims allegedly arose in King County, Washington  
 22

23 8. Written notice of the filing of this Notice of Removal will be filed with the  
 24 court clerk of the Superior Court of Washington for King County  
 25  
 26

NOTICE OF REMOVAL - 2

1           9. WHEREFORE, defendant prays that the above-entitled action be removed  
2 from the Superior Court of Washington for King County to the United States District Court for  
3 the Western District of Washington of Seattle.

4           DATED this 14<sup>th</sup> day of May, 2002

6           MILLER NASH LLP

7           *Susan K. Stahlfeld*  
8           Susan K. Stahlfeld  
9           WSB No 22003

10                   Attorneys for Defendant  
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NOTICE OF REMOVAL - 3

I hereby certify that I served the foregoing NOTICE OF REMOVAL and  
NOTICE OF FILING OF DEFENDANT'S NOTICE OF REMOVAL on:

Rebecca J Roe  
Schroeter Goldmark & Bender  
500 Central Building  
810 Third Avenue  
Seattle, Washington 98104

Fax No. 206-682-2305

Attorney for Plaintiff

by the following indicated method or methods

☐ by **faxing** full, true, and correct copies thereof to the attorney at the fax number shown above, which is the last-known fax number for the attorney's office, **and** by **mailing** full, true, and correct copies thereof in a sealed, first-class postage-prepaid envelope, addressed to the attorney as shown above, the last-known office address of the attorney, and deposited with the United States Postal Service at Seattle, Washington, on the date set forth below


☐ by **mailing** full, true, and correct copies thereof in a sealed, first-class postage-prepaid envelope, addressed to the attorney as shown above, the last-known office address of the attorney, and deposited with the United States Postal Service at Seattle, Washington, on the date set forth below

☒ by sending full, true and correct copies thereof via **overnight courier** in a sealed, prepaid envelope, addressed to the attorney as shown above, the last-known office address of the attorney, on the date set forth below

☒ by causing full, true and correct copies thereof to be **hand-delivered** to the attorney at the attorney's last-known office address listed above on the date set forth below

The undersigned hereby declares, under the penalty of perjury, that the foregoing statements are true and correct to the best of my knowledge

Executed at Seattle, Washington, this 14<sup>th</sup> day of May, 2002

  
Susan K. Stahlfeld

Attorneys for Defendant

Certificate of Service

# **EXHIBIT A**

RECEIVED  
MILLER NASH LLP  
2002 APR 23 AM 10:28

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

DONALD D BRINDLE,

Plaintiff,

v

WARDS COVE PACKING CO , INC.,

Defendant.

No. **02-2-12078-4SEA**  
SUMMONS

**TO: WARDS COVE PACKING CO., INC.**

A lawsuit has been started against you in the above-entitled court by DONALD D. BRINDLE, plaintiff. Plaintiff's claim is stated in the written Complaint, a copy of which is served upon you with this Summons.

In order to defend against the lawsuit, you must respond to the complaint by stating your defense in writing, and serve a copy upon the undersigned attorney for the plaintiff within 20 days after the service of this Summons, or within 60 days if this Summons was served outside the State of Washington, excluding the day of service, or a default judgment may be entered against you without notice. A default judgment is one where the plaintiff is entitled to what he asks for because you have not responded. If you serve a notice of appearance on the undersigned attorney, you are entitled to notice before a default judgment may be entered.

1 You may demand that the plaintiff file the lawsuit with the court. If you do so, the  
2 demand must be in writing and must be served upon the plaintiff. Within 14 days after the  
3 service of the demand, the plaintiff must file this lawsuit with the court, or the service on you of  
4 this Summons and Complaint will be void.

5 If you wish to seek the advice of an attorney in this matter, you should do so promptly so  
6 that your written response, if any, may be served on time.

7 This Summons is issued pursuant to Rule 4 of the Superior Court Civil Rules of the State  
8 of Washington.

9 DATED this 15<sup>th</sup> day of April, 2002.

10 SCHROETER, GOLDMARK & BENDER

11 Rebecca J. Roe  
12 REBECCA J. ROE, WSBA #1360  
13 Counsel for Plaintiff  
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RECEIVED  
MILLER NASH LLP  
2002 APR 23 AM 10:28

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

DONALD D. BRINDLE,

Plaintiff,

v.

WARDS COVE PACKING CO., INC.,

Defendant.

02-2-12078-4SEA  
No.

COMPLAINT FOR DISCRIMINATION

COMES NOW the plaintiff and alleges as follows:

**I. PARTIES AND JURISDICTION**

1.1 Plaintiff Donald D Brindle resides in Snohomish County, Washington. Plaintiff was employed by defendant, Wards Cove Packing Co., Inc., continuously from April 1, 1979 until his employment was terminated on December 18, 2001. Plaintiff was 58 years of age at the time of his termination.

1.2 Defendant Wards Cove Packing Co., Inc was and is a corporation duly organized under the laws of the State of Washington and doing business in King County, Washington through its employee/agents. Plaintiff worked for defendant Wards Cove Packing Co., Inc. at defendant's main office in Seattle, Washington, in King County.

1.3 Plaintiff filed a complaint with the EEOC immediately following his termination and received notice of his right to sue February 11, 2002.



1     **II.     FACTS**

2             **2.1**     Plaintiff Brindle was employed by Wards Cove Packing Co., Inc. for 23 years.  
3     For many years immediately preceding his termination, plaintiff Brindle was the field  
4     manager for certain of defendant Wards Cove's seafood processing and packing activities.

5             **2.2**     Plaintiff Brindle was suddenly terminated December 18, 2001. The  
6     explanation he was given was that Wards Cove was eliminating an area of his responsibility,  
7     herring processing. In fact, his job had been offered to his much younger assistant in October  
8     On information and belief, the defendant Wards Cove did not eliminate the herring production  
9     business.

10            **2.3**     At the time of his termination, plaintiff was offered a month-to-month  
11    consulting contract to continue performing several duties he had with the company

12            **2.4**     At his termination, plaintiff Brindle was asked to sign a release of claims,  
13    including release of claims for age discrimination. He refused.

14            **2.5**     In the year preceding his termination, plaintiff had undergone back surgery and  
15    had an episode of congestive heart failure causing him to miss two days of work. Defendant  
16    is self-insured and had access to his medical records. Although plaintiff is fully physically  
17    capable, he believes his health situation was a factor in defendant's decision to wrongfully  
18    discharge him.

19            **2.6**     Plaintiff Brindle was capable of performing all of his job-related duties and his  
20    work performance was satisfactory through his continuous employment with defendant Wards  
21    Cove. Plaintiff Brindle's termination was not for just cause.

22     **III.    LIABILITY**

23            **3.1**     Plaintiff Brindle was unlawfully discharged by defendant Wards Cove due to  
24    his age in contravention of state law. Washington Law Against Discrimination (WLAD),  
25    RCW 49.60., et seq., RCW 49.44.090, et seq., and federal law, Age Discrimination in  
26    Employment Act (ADEA) 29 USCS § 621 et seq.

3.2 Plaintiff Brindle was unlawfully discharged in violation of the Americans with Disabilities Act, 42 USC § 12101, et seq., and the WLAD, RCW 49.60, et seq., because he was regarded as disabled.

**IV. DAMAGES**

As a direct and proximate result of defendant's wrongful and discriminating actions, plaintiff has suffered the following damages in an amount to be proven at the time of trial.

4.1 Past and future wage loss suffered by plaintiff with interest thereon from the date of his wrongful and discriminating discharge;

4.2 Mental suffering and extreme emotional distress;

4.3 Reasonable attorney's fees in accordance with RCW 49.60.30, RCW 49.60.180, RCW 49.44.090, RCW 49.48.030, and 29 USCS § 621, et seq., plus costs of this suit;

4.4 Exemplary damages pursuant to 29 USCS § 621, et seq., specifically incorporating 29 USCS §§ 216(b) and 626(b);

4.5 For such other and further relief as the Court deems just and proper

**V. PRAYER FOR RELIEF**

**WHEREFORE**, plaintiff seeks compensatory damages in an amount to be determined at trial, together with plaintiff's costs and disbursements herein incurred, attorneys' fees and exemplary damages and such other and further relief as the Court deems just and equitable.

DATED this 1<sup>st</sup> day of April, 2002

SCHROETER, GOLDMARK & BENDER

Rebecca J. Roe  
REBECCA J. ROE, WSBA #7560  
Counsel for Plaintiffs

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MILLER NASH LLP  
2002 APR 23 AM 10:28

KING COUNTY SUPERIOR COURT  
CASE ASSIGNMENT DESIGNATION  
and  
CASE INFORMATION COVER SHEET  
(cics)

In accordance with LR82(e), a faulty document fee of \$15 will be assessed to new case filings missing this sheet pursuant to King County Code 4 71.100

CASE NUMBER: **02-2-12078-4SEA**  
CASE CAPTION: Brindle v. Wards Cove Packing Co., Inc.

I certify that this case meets the case assignment criteria, described in King County LR 82(e), for the  
  X   Seattle Area, defined as:

All of King County north of Interstate 90 and including all of the Interstate 90 right-of-way; all the cities of Seattle, Mercer Island, Bellevue, Issaquah and North Bend; and all of Vashon and Maury Islands.

           Kent Area, defined as:

All of King County south of Interstate 90 except those areas included in the Seattle Case Assignment Area.

\_\_\_\_\_  
Signature of Petitioner/Plaintiff

\_\_\_\_\_  
Date

or

Rebecca J. Roe  
Signature of Attorney for  
Petitioner/Plaintiff

4/16/02  
Date

7560  
WSBA Number

**KING COUNTY SUPERIOR COURT  
CASE ASSIGNMENT DESIGNATION  
and  
CASE INFORMATION COVER SHEET**

Please check one category that best describes this case for indexing purposes. Accurate case indexing not only saves time but helps in forecasting judicial resources. A faulty document fee of \$15 will be assessed to new case filings missing this sheet pursuant to Administrative Rule 2 and King County Code 4.71.100.

**APPEAL/REVIEW**

- ☐ Administrative Law Review (ALR 2)\*  
☐ Civil, Non-Traffic (LCA 2)\*  
☐ Civil, DOL (DOL 2)\*

**CONTRACT/COMMERCIAL**

- ☐ Breach of Contract (COM 2)\*  
☐ Commercial Contract (COM 2)\*  
☐ Commercial Non-Contract (COL 2)\*  
☐ Meretricious Relationship (MER 2)\*  
☐ Third Party Collection (COL 2)\*

**DOMESTIC RELATIONS**

- ☐ Annulment/Invalidity (with dependent children? Y N )(INV 3)\*  
☐ Child Custody (CUS 3)\*  
☐ Dissolution With Children (DIC 3)\*  
☐ Dissolution With No Children (DIN 3)\*  
☐ Legal Separation (with dependent children? Y N )(SEP 3)\*  
☐ Mandatory Wage Assignment (MWA 3)  
☐ Modification (MOD 3)\*  
☐ Modification - Support Only (MDS 3)\*  
☐ Out-of-state Custody Order Registration (OSC 3)  
☐ Reciprocal, Respondent in County (RIC 3)  
☐ Reciprocal, Respondent Out of County (ROC 3)  
☐ Registration of Out of State Support Court Order (FJU 3)  
☐ Relocation Objection/Modification (MOD 3)\*

**DOMESTIC VIOLENCE/ANTIHARASSMENT**

- ☐ Civil Harassment (HAR 2)  
☐ Confidential Name Change (CHN 5)  
☐ Domestic Violence (DVP 2)  
☐ Domestic Violence with Children (DVC 2)  
☐ Foreign Protection Order (FPO 2)  
☐ Vulnerable Adult Protection (VAP 2)

**ADOPTION/PATERNITY**

- ☐ Adoption (ADP 5)  
☐ Confidential Intermediary (MSC 5)  
☐ Establish Parenting Plan (MSC 5)\*  
☐ Initial Pre-Placement Report (PPR 5)  
☐ Modification (MOD 5)\*  
☐ Paternity (PAT 5)\*  
☐ Paternity/UIFSA (PUR 5)\*  
☐ Registration of Out of State Support Court Order (FJU 5)  
☐ Relinquishment (REL 5)  
☐ Relocation Objection/Modification (MOD 5)\*  
☐ Termination of Parent-Child Relationship (TER 5)

**PROBATE/GUARDIANSHIP**

- ☐ Absentee (ABS 4)  
☐ Disclaimer (DSC4)  
☐ Estate (EST 4)  
☐ Foreign Will (FNW 4)  
☐ Guardianship (GDN 4)  
☐ Guardianship/Estate (G/E 4)  
☐ Limited Guardianship (LGD 4)  
☐ Minor Settlement (MST 4)  
☐ Non-Judicial Filing (MSC 4)  
☐ Non-Probate Notice to Creditors (NNC 4)  
☐ Trust (TRS 4)  
☐ Trust Estate Dispute Resolution Act/POA (TDR 4)  
☐ Will Only (WLL 4)

**PROPERTY RIGHTS**

- ☐ Condemnation/Eminent Domain (CON 2)\*  
☐ Foreclosure (FOR 2)\*  
☐ Land Use Petition (LUP 2)\*  
☐ Property Fairness (PFA 2)\*  
☐ Quiet Title (QTI 2)\*  
☐ Unlawful Detainer (UND 2)

**KING COUNTY SUPERIOR COURT  
CASE ASSIGNMENT DESIGNATION  
and  
CASE INFORMATION COVER SHEET**

**JUDGMENT**

- ☐ Confession of Judgment (MSC 2)\*
- ☐ Judgment, Another County, Abstract (ABI 2)
- ☐ Judgment, Another State or County (FJU 2)
- ☐ Tax Warrant (TAX 2)
- ☐ Transcript of Judgment (TRJ 2)

**OTHER COMPLAINT/PETITION**

- ☐ Action to Compel/Confirm Private Binding Arbitration (MSC 2)
- ☐ Change of Name (CHN 2)
- ☐ Change of Birth Date (MSC 2)
- ☐ Deposit of Surplus Funds (MSC 2)
- ☐ Emancipation of Minor (EOM 2)
- ☐ Frivolous Claim of Lien (MSC 2)
- ☐ Injunction (INJ 2)\*
- ☐ Interpleader (MSC 2)
- ☐ Malicious Harassment (MHA 2)\*
- ☐ Non-Judicial Filing (MSC 2)
- ☐ Seizure of Property from the Commission of a Crime (SPC 2)\*
- ☐ Seizure of Property Resulting from a Crime (SPR 2)\*
- ☐ Structured Settlements (MSC 2)\*

**TORT, MEDICAL MALPRACTICE**

- ☐ Hospital (MED 2)\*
- ☐ Medical Doctor (MED 2)\*
- ☐ Other Health Care Professional (MED 2)\*

**TORT, MOTOR VEHICLE**

- ☐ Death (TMV 2)\*
- ☐ Non-Death Injuries (TMV 2)\*
- ☐ Property Damage Only (TMV 2)\*

**TORT, NON-MOTOR VEHICLE**

- ☐ Asbestos (PIN 2)\*\*
- ☐ Implants (PIN 2)
- ☐ Other Malpractice (MAL 2)\*
- ☒ Personal Injury (PIN 2)\*
- ☐ Products Liability (TTO 2)\*
- ☐ Property Damage (PRP 2)\*
- ☐ Wrongful Death (WDE 2)\*

**WRIT**

- ☐ Habeas Corpus (WHC 2)
- ☐ Mandamus (WRM 2)\*\*
- ☐ Review (WRV 2)\*\*

\* The filing party will be given an appropriate case schedule.

\*\* Case schedule will be issued after hearing and findings.

**IF YOU CANNOT DETERMINE THE APPROPRIATE CATEGORY, PLEASE  
DESCRIBE THE CAUSE OF ACTION BELOW:**

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RECEIVED  
MILLER NASH LLP  
2002 APR 23 AM 10:28

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING**

vs	<div style="text-align: right;">Plaintiff(s),</div> <div style="text-align: right;">Defendant(s)</div>	NO <b>02-2-12078-4SEA</b> ORDER SETTING CIVIL CASE SCHEDULE ASSIGNED JUDGE: <b>PARIS K. KALLAS</b> TRIAL DATE: Mon 9/08/03 (*ORSCS)
----	--	---

On **Wed 4/17/02**, a civil case has been filed in the King County Superior Court and will be managed by the Case Schedule on Page 3 as ordered by the King County Superior Court Presiding Judge

**I. NOTICES**

**NOTICE TO PLAINTIFF:**

The Plaintiff may serve a copy of this **Order Setting Case Schedule (Schedule)** on the Defendant(s) along with the **Summons and Complaint/Petition**. Otherwise, the Plaintiff shall serve the **Schedule** on the Defendant(s) within 10 days after the later of: (1) the filing of the **Summons and Complaint/Petition** or (2) service of the Defendant's first response to the **Complaint/Petition**, whether that response is a **Notice of Appearance**, a response, or a Civil Rule 12 (CR 12) motion. The **Schedule** may be served by regular mail, with proof of mailing to be filed promptly in the form required by Civil Rule 5 (CR 5).

***"I understand that I am required to give a copy of these documents to all parties in this case."***

Print Name	Sign Name
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## **I. NOTICES (continued)**

### **NOTICE TO ALL PARTIES:**

All attorneys and parties should make themselves familiar with the King County Local Rules [KCLR] — especially those referred to in this *Schedule*. In order to comply with the *Schedule*, it will be necessary for attorneys and parties to pursue their cases vigorously from the day the case is filed. For example, discovery must be undertaken promptly in order to comply with the deadlines for joining additional parties, claims, and defenses, for disclosing possible witnesses [See KCLR 26], and for meeting the discovery cutoff date [See KCLR 37(g)]

### **SHOW CAUSE HEARINGS FOR CIVIL CASES [King County Local Rule 4(g)]**

A *Show Cause Hearing* will be held before the assigned judge if the case is not at issue. The Order to Show Cause will be mailed to all parties by the Judicial Assistant of the assigned judge. The parties or counsel are required to attend.

### **PENDING DUE DATES CANCELED BY FILING PAPERS THAT RESOLVE THE CASE:**

When a final decree, judgment, or order of dismissal of all parties and claims is filed with the Superior Court Clerk's Office, and a courtesy copy delivered to the assigned judge, all pending due dates in this *Schedule* are automatically canceled, including the scheduled Trial Date. It is the responsibility of the parties to 1) file such dispositive documents within 45 days of the resolution of the case, and 2) strike any pending motions by notifying the bailiff to the assigned judge.

Parties may also authorize the Superior Court to strike all pending due dates and the Trial Date by filing a *Notice of Settlement* pursuant to KCLR 41, and forwarding a courtesy copy to the assigned judge. If a final decree, judgment or order of dismissal of all parties and claims is not filed by 45 days after a *Notice of Settlement*, the case may be dismissed with notice.

If you miss your scheduled Trial Date, the Superior Court Clerk is authorized by KCLR 41(b)(2)(A) to present an *Order of Dismissal*, without notice, for failure to appear at the scheduled Trial Date.

### **NOTICES OF APPEARANCE OR WITHDRAWAL AND ADDRESS CHANGES:**

*All parties to this action must keep the court informed of their addresses.* When a Notice of Appearance/Withdrawal or Notice of Change of Address is filed with the Superior Court Clerk's Office, parties must provide the assigned judge with a courtesy copy.

### **ARBITRATION FILING AND TRIAL DE NOVO POST ARBITRATION FEE:**

A Statement of Arbitrability must be filed by the deadline on the schedule if the case is subject to mandatory arbitration and is at issue. If mandatory arbitration is required after the deadline, parties must obtain an order from the assigned judge transferring the case to arbitration. Any party filing a Statement must pay a \$120 arbitration fee. If a party seeks a trial de novo when an arbitration award is appealed, a fee of \$250 and the request for trial de novo must be filed with the Clerk's Office Cashiers.

### **NOTICE OF NON-COMPLIANCE FEES:**

All parties will be assessed a fee authorized by King County Code 4 71 050 whenever the Superior Court Clerk must send notice of non-compliance of schedule requirements and/or Local Rule 41.

**II. CASE SCHEDULE**

<b>CASE EVENT</b>	<b>DEADLINE or EVENT DATE</b>
Case Filed and Schedule Issued	Wed 4/17/02
✓ Confirmation of Service [See KCLR 4 1]	Wed 5/15/02
✓ Statement of Arbitrability [See KCLMAR 2 1(a)] \$120 arbitration fee must be paid	Wed 9/25/02
DEADLINE for Hearing Motions to Change Case Assignment Area [KCLR 82(e)]	Wed 10/09/02
DEADLINE for Disclosure of Possible Primary Witnesses [See KCLR 26(b)]	Mon 4/07/03
✓ Joint Pretrial Report [See attached order]	
DEADLINE for Disclosure of Possible Rebuttal Witnesses [See KCLR 26(c)]	Mon 5/19/03
✓ Jury Demand [See KCLR 38(b)(2)]	Mon 6/02/03
DEADLINE for a Change in Trial Date [See KCLR 40(e)(2)]	Mon 6/02/03
DEADLINE: Discovery Cutoff [See KCLR 37(g)]	Mon 7/21/03
DEADLINE: Exchange Witness & Exhibit Lists & Documentary Exhibits [KCLR 16(a)(3)]	Mon 8/18/03
DEADLINE for Hearing Dispositive Pretrial Motions [See KCLR 56; CR 56]	Mon 8/25/03
DEADLINE to Comply with Settlement Conference Requirement [See attached Order]	
✓ Joint Statement of Evidence [See KCLR 16(a)(4)]	Tue 9/02/03
Trial Date [See KCLR 40]	Mon 9/08/03

✓ Indicates a document that must be filed with the Superior Court Clerk's Office by the date shown.

**III. ORDER**

Pursuant to King County Local Rule 4 [KCLR 4], IT IS ORDERED that the parties shall comply with the schedule listed above. Penalties, including but not limited to sanctions set forth in Local Rule 4(g) and Rule 37 of the Superior Court Civil Rules, may be imposed for non-compliance. It is FURTHER ORDERED that the party filing this action must serve this *Order Setting Civil Case Schedule* and attachment on all other parties

*Richard D. Eadie*  
Richard D. Eadie

DATED 4/17/2002

\_\_\_\_\_  
PRESIDING JUDGE



#### IV. ORDER ON ASSIGNMENT TO INDIVIDUAL CALENDAR

##### READ THIS ORDER PRIOR TO CONTACTING YOUR ASSIGNED JUDGE

This case has been assigned to the Individual Calendar (I.C.) Judge whose name appears in the caption of this *Schedule*. The I.C. Judge will preside over and manage this case and will conduct trials, motions, and conferences in this matter until completion of all issues.

**COMPLEX LITIGATION:** If you anticipate an unusually complex or lengthy trial, please notify the assigned court as soon as possible.

The following procedures hereafter apply to the processing of this case:

**Applicable Rules:**

Except as specifically modified below, all the provisions of KCLR 4-26 shall apply to the processing of civil cases before I.C. Judges.

**I.C. Schedule and Requirements:**

A. Trial: Trial is confirmed for 9:00 a.m. on the date on the *Schedule*. The Friday before trial, the assigned court will contact the parties to determine the status of the case and inform the parties of any adjustments to the Trial Date.

B. Joint Status Report: 120 days before the Trial Date, parties shall prepare and file, with a copy to the assigned judge, a joint status report setting forth the nature of the case, whether a jury demand has been filed, the expected duration of the trial, the status of discovery, the need to amend pleadings or add parties, whether a settlement conference has been scheduled, special problems, etc. Plaintiff's/Petitioner's counsel is responsible for proposing and contacting the other parties regarding said report.

C. Pretrial Conference: A pretrial conference will be scheduled by the assigned judge. Approximately thirty (30) days before the conference, you will receive an *Order Setting Pretrial Conference* that will set the specific date and time for the conference. The conference will be held in the courtroom of the assigned judge, and the following nonexclusive list of matters will be addressed at that time:

- 1) Status of settlement discussions;
- 2) Jury trial – selection and number of jurors;
- 3) Potential evidentiary problems;
- 4) Potential motions *in limine*;
- 5) Use of depositions;
- 6) Deadlines for nondispositive motions;
- 7) Procedures to be followed with respect to exhibits;
- 8) Witnesses – identity, number, testimony;
- 9) Special needs (e.g., interpreters, equipment);
- 10) Trial submissions, such as briefs, Joint Statement of Evidence, jury instructions, voir dire questions, etc.
- 11) Receipt of Public Assistance Payments (Domestic Cases) – If any party is on public Assistance, notify the Prosecutor's Office of this proceeding now at 296-9020.

D. Settlement/Mediation/ADR:

1) 45 days before the Trial Date, counsel for plaintiff shall submit a written settlement demand. Ten (10) days after receiving plaintiff's written demand, counsel for defendant shall respond (with a counteroffer, if appropriate).

2) 30 days before the Trial Date, a settlement/mediation/ADR conference shall have been held.

**FAILURE TO COMPLY WITH THIS SETTLEMENT CONFERENCE REQUIREMENT MAY RESULT IN SANCTIONS.**

3) 20 days before the Trial Date, counsel for plaintiff shall advise the assigned judge of the progress of the settlement process.

SEE NEXT PAGE

**I.C. Motions Procedures:**

**A. Noting of Motions**

1) **Dispositive Motions:** All Summary Judgment or other motions that dispose of the case in whole or in part will be heard with oral argument before the assigned judge. The moving party must arrange with the bailiff a date and time for the hearing, consistent with the court rules.

2) **Nondispositive Motions:** These motions, which include discovery motions, will be ruled on by the assigned judge without oral argument, unless otherwise ordered. All such motions must be noted for a date by which the ruling is requested; this date must likewise conform to the applicable notice requirements. Rather than noting a time of day, the *Note for Motion* should state "Without Oral Argument."

3) **Motions in Family Law Cases:** Discovery motions to compel, motions in limine and motions relating to trial dates shall be brought before the assigned judge. All other motions should be noted and heard on the Family Law Motions Calendar.

4) **Emergency Motions:** Emergency motions will be allowed only upon entry of an *Order Shortening Time*. However, emergency discovery disputes may be addressed by telephone call, and without written motion, if the judge approves.

**B. Filing of Papers** All original papers must be filed with the Clerk's Office on the 6th floor. *The working copies of all papers in support or opposition must be marked on the upper right corner of the first page with the date of consideration or hearing and the name of the assigned judge.* The assigned judge's working copy must be delivered to his/her courtroom or to the judges' mailroom. Do not file working copies with the Motions Coordinator, except those motions to be heard on the Family Law Motions Calendar, in which case the working copies should be filed with the Family Law Motions Coordinator.

1) **Original Proposed Order:** Each of the parties must include in the materials submitted on any motion an original proposed order sustaining his/her side of the argument. Should any party desire a copy of the order as signed and filed by the judge, a preaddressed, stamped envelope shall accompany the proposed order.

2) **Presentation of Orders:** All orders, agreed or otherwise, must be presented to the assigned judge. If that judge is absent, contact the assigned court for further instructions. If another judge enters an order on the case, counsel is responsible for providing the assigned judge with a copy.

Proposed orders finalizing settlement and/or dismissal by agreement of all parties shall be presented to the assigned judge or in the Ex Parte Department. Formal Proof in Family Law cases must be scheduled before the assigned judge by contacting the bailiff, or Formal Proof may be entered in the Ex Parte Department. If final orders and/or Formal Proof are entered in the Ex Parte Department, counsel is responsible for providing the assigned judge with a copy.

**C. Form:** Memoranda/briefs for matters heard by the assigned judge may not exceed 24 pages for dispositive motions and 12 pages for nondispositive motions, unless the assigned judge permits over-length memoranda/briefs in advance of filing. Over-length memoranda/briefs and motions supported by such memoranda/briefs may be stricken.

**IT IS SO ORDERED. FAILURE TO COMPLY WITH THE PROVISIONS OF THIS ORDER MAY RESULT IN DISMISSAL OR OTHER SANCTIONS. PLAINTIFF/PETITIONER SHALL FORWARD A COPY OF THIS ORDER AS SOON AS PRACTICABLE TO ANY PARTY WHO HAS NOT RECEIVED THIS ORDER.**

*Richard D. Eadie*  
**Richard D. Eadie**

JUDGE

RECEIVED  
The Hon. Paris K. Kallas  
2002 APR 26 AM 10:39  
KING COUNTY  
SUPERIOR COURT CLERK  
SEATTLE WA

2002 APR 26 PM 4:43

CLERK OF COURT

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

DONALD D. BRINDLE,

Plaintiff,

v

WARDS COVE PACKING CO., INC ,

Defendant.

Case No. 02-2-12078-4SEA

NOTICE OF APPEARANCE

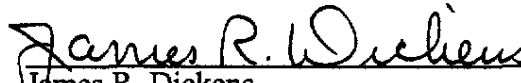
TO: Donald D. Brindle

AND TO: Rebecca J. Roe of Schroeter Goldmark & Bender, his attorneys

PLEASE TAKE NOTICE that defendant Wards Cove Packing Co , Inc., without waiving objections as to improper service or jurisdiction, hereby enters its appearance by the undersigned attorneys of record. Service of all further pleadings, notices, documents or other papers herein, exclusive of process, may be had upon this defendant by serving the undersigned attorneys at their address below stated.

DATED this 25<sup>th</sup> day of April, 2002.

MILLER NASH LLP

  
James R. Dickens  
WSBA No. 04610

Attorneys for Defendant

NOTICE OF APPEARANCE - 1  
SEADOCs 126642 1

MILLER NASH LLP  
ATTORNEYS AND COUNSELORS AT LAW  
TELEPHONE (206) 612 6484  
4400 TWO UNION SQUARE  
601 UNION STREET SEATTLE WASHINGTON 98101-2352

1 I hereby certify that I served the foregoing NOTICE OF APPEARANCE on:

2 Rebecca J. Roe  
3 Schroeter Goldmark & Bender  
4 500 Central Building  
5 810 Third Avenue  
6 Seattle, WA 98104

7 FAX # (206) 682-2305

8 Attorneys for Plaintiff

9 by the following indicated method or methods.


10 ☒ by **faxing** full, true, and correct copies thereof to the attorney at the fax number  
11 shown above, which is the last-known fax number for the attorney's office, on the  
12 date set forth below. The receiving fax machine was operating at the time of  
13 service and the transmission was properly completed.

14 ☒ by **mailing** full, true, and correct copies thereof in a sealed, first-class postage-  
15 prepaid envelope, addressed to the attorney as shown above, the last-known office  
16 address of the attorney, and deposited with the United States Postal Service at  
17 Seattle, Washington, on the date set forth below.

18 ☐ by sending full, true and correct copies thereof via **overnight courier** in a sealed,  
19 prepaid envelope, addressed to the attorney as shown above, the last-known office  
20 address of the attorney, on the date set forth below

21 ☐ by causing full, true and correct copies thereof to be **hand-delivered** to the  
22 attorney at the attorney's last-known office address listed above on the date set  
23 forth below.

24 DATED this 25<sup>th</sup> day of April, 2002

25   
26 James R. Dickens

Of Attorneys for Defendant